

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 97-001**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **1. Statutory Authority**

The rule does not indicate whether the department complied with s. 452.05 (1) (c), Stats., requiring consultation with the Council on Real Estate Curriculum and Examinations, or with s. 452.07 (2), Stats., requiring submittal of the proposed rule to the Real Estate Examining Board for comment.

#### **2. Form, Style and Placement in Administrative Code**

a. While the format of ss. RL 25.025 (2) and 25.035 (2) is parallel in most respects to current ss. RL 25.02 (2) and 25.03 (3) and, therefore, some questionable style and format of the proposed subsections are ignored for purposes of these comments, the introductory clauses of the proposed subsections should at least provide: “The content of the [3-hour] [13-hour] course shall include all of the following:”.

b. In SECTION 7, the title of s. RL 25.066 should not be included.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In s. RL 25.02 (1) (a) 1., the reference to “14” is unclear. (Is it the beginning of an incomplete case citation?)

b. In s. RL 25.025 (2) (b) 2. (intro.), “RL” should not precede 452.13.

c. In s. RL 25.035 (2) (f) 1., “, Stats.” should be deleted.

d. In s. RL 25.035 (2) (f) 4., reference can be made to “ss. 91.17 to 91.21, Stats.” In s. RL 25.035 (2) (h) 6., reference can be made to “ss. 236.01 to 236.03” and “236.31 to 236.335, Stats.” Note that sub. (9) also contains some consecutively numbered statutory provisions which can be cited in a similar manner.

e. In s. RL 25.035 (2) (h) 12., the citation to s. 227.71, Stats., is incorrect.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The department’s analysis fails to indicate why the second sentence of s. RL 25.066 (1) is deleted by SECTION 7.

b. Section RL 25.025 (1) can be better stated. As drafted, the first sentence, read alone, implies that the 36-hour requirement can be satisfied merely by three hours of education as specified. It is suggested that sub. (1) be subdivided, with an introductory clause, as follows:

(1) An applicant who has held an active real estate broker’s license in another licensing jurisdiction within the 2-year period prior to filing an application for an original real estate broker’s license may satisfy the requirements of s. RL 25.02 (2) if the applicant submits evidence of all of the following:

(a) Attendance at 3 hours of education under sub. (2) at a school approved by the department under s. RL 25.05 or RL 25.06.

(b) Attendance at 33 hours of education on the remaining content of s. RL 25.02 (2), completed at any school.

Is it clear in s. RL 25.025 (1) how the remaining 33 hours of the required education program is to be divided among the “remaining content” of s. RL 25.02 (2)?

c. Comment b. also applies to s. RL 25.035 (1).